



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,260	03/21/2001	Scott E. Moore	MI22-1663	6202

21567 7590 01/11/2006
WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER

ELEY, TIMOTHY V

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/814,260	Applicant(s) MOORE ET AL.	
	Examiner Timothy V. Eley	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-72,74-95,103,105,106,118-126,128-136 and 138-149 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 118-125,130-136 and 149 is/are allowed.
- 6) ☒ Claim(s) 68-71,74-76,84-91,93-95,103,105,106,126,128,129,138-143 and 145-148 is/are rejected.
- 7) ☒ Claim(s) 72,77-83,92,144 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3724

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 103,105,106,126-129,142,143,146, and 147 are rejected under 35 U.S.C. 102(a) as being anticipated by Yueh(5,791,970), as applied in the rejection filed April 07, 2005.

- Regarding claims 105,143, and 147, the transporting comprises supplying the process fluid to a semiconductor processor after recirculating, as stated in the rejection filed April 07, 2005.
- Regarding claims 142 and 146, the monitoring comprises monitoring a percent of solids present within a liquid of the process fluid; i.e., monitoring the particle concentration within a liquid of the process fluid is equivalent to monitoring a percent of solids present. See column 2, lines 32-37.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 68-71,74-76,84-91,93-95,138-141,145, and 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yueh, as applied in the rejection filed April 07, 2005.

- Regarding claim 138, element 28 may function as a distributor, as broadly recited.

Art Unit: 3724

- Regarding claim 139, the monitoring comprises monitoring the sample of the process fluid in a substantially static state, since the monitoring takes place in tank 29, and the stir mechanism 42 is controlled responsive to the sensor 31 (such would imply that the mix is stirred after the monitoring). See column 3, lines 34-37.
- Regarding claim 140, the monitoring comprises monitoring a percent of solids present within a liquid of the process fluid; i.e., monitoring the particle concentration within a liquid of the process fluid is equivalent to monitoring a percent of solids present. See column 2, lines 32-37.
- Regarding claims 141 and 145, the monitoring comprises monitoring the process fluid being transported, as broadly recited by applicant.
- Regarding claim 148, the monitoring comprises monitoring a percent of solids present within a liquid of the sample of the process fluid to monitor the turbidity; i.e., monitoring the particle concentration within a liquid of the process fluid is equivalent to monitoring a percent of solids present. See column 2, lines 32-37.

Response to Arguments

3. Applicant's arguments filed October 20, 2005 have been fully considered but they are not persuasive.

Art Unit: 3724

- Applicant argues that Yueh is void of any monitoring of turbidity of a process fluid, sensor 31 is disclosed as being a particle size sensor, and monitoring of particle size may in no fair interpretation be considered to teach or suggest monitoring turbidity.

- o In Merriam-Webster Online Dictionary(at <http://www.m-w.com/dictionary/turbidity>), "turbid" is defined as: **2 a** : deficient in clarity or purity. Also, it should be noted that applicant refers to turbidity as: "a percent of solids present" (see claim 140 in particular). Yueh discloses that "the particle concentration is monitored, . . . and the mixed is brought to a desired concentration." (see column 2, lines 32-34). Therefore, the monitoring of the particle concentration most definitely relates to "turbidity", since the presents of particles provides a deficiency in clarity or purity of the slurry. Furthermore, the monitoring of the particle concentration is essentially the same as monitoring "a percent of solids present" in the slurry, since "monitoring" a percent of solids present in the fluid would imply that the process only checks for particles in the slurry. The sensor 31 ensures that the amount of colloidal silica oxide particles introduced into tank 29 properly brings the mix in the tank into the desired log normal distribution characteristic of the new slurry(column 4, lines 1-5); thus the sensor does

Art Unit: 3724

indeed monitor a percent of solids present in the process fluid.

- Applicant argues that the Office has failed to provide a basis in fact or technical reasoning as to why it is necessary for a sampling system to provide a sample in a substantially static state or why such necessarily flows from the teachings of Yueh.
 - o In Merriam-Webster Online Dictionary(at <http://www.m-w.com/dictionary/turbidity>), "sample" is defined as: 1 : a representative part or a single item from a larger whole or group especially when presented for inspection or shown as evidence of quality. Tank 29 is a recycle tank that contains fluid which is monitored as a "sample"(part of a larger whole or group, see column 3, lines 1-13), and the fluid includes other parts, such as fresh slurry(see column 3, lines 46-54), and therefore the tank 29 may be interpreted to include a sample of the process fluid. Also, the fluid inherently would be measured in a static state since clearly if the agitator is being used, the sensor 31 would not be able to adequately record particle data(see column 3, lines 14-37).
 - o Applicant's broad recitation of monitoring turbidity may be met by monitoring the size of a single particle in a process fluid, since the size of that particle may contribute to a deficiency in clarity and purity of the fluid.

Art Unit: 3724

Allowable Subject Matter

4. Claims 72,77-83,92, and 144 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 118-125,130-136, and 149 are allowed.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

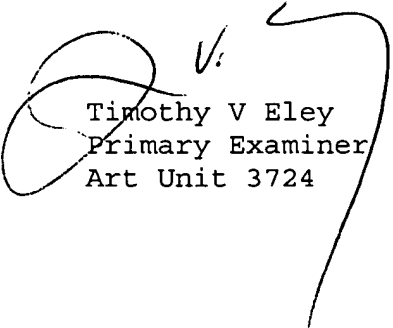
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy V Eley
Primary Examiner
Art Unit 3724

tve